



Partners  
Dawn M. Cardi  
Chad L. Edgar

Associates  
Mary E. Bartholomew  
Robyn L. Enes  
Ariadne Green

August 31, 2016

**BY ECF**

Honorable Alison J. Nathan  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: United States v. Calvin Ruggs, et al.,  
15 Cr. 95 (AJN)

Dear Judge Nathan:

We are counsel to defendant Calvin Ruggs in the above-referenced action. We submit this letter on behalf of Mr. Ruggs in connection with his bail review hearing scheduled for September 7, 2016 at 10 a.m. Attached hereto is copy of the transcript of the July 27, 2016 bail hearing proceedings ("transcript") held before Magistrate Judge James L. Cott from which we are appealing. As we make frequent reference to the government's June 24, 2016 submission in opposition to Mr. Ruggs' bail application, we are also attaching that letter for the court's reference ("government's submission").

The Lack of Evidence Against Mr. Ruggs

At the July 27, 2016 bail hearing, the government failed to provide clear and convincing evidence that if released on bail, Mr. Ruggs presents a danger to the community or is a flight risk. The hearing transcript demonstrates that the government is painting with a broad brush with respect to the allegations against Mr. Ruggs as an individual, inflating his alleged involvement or "affiliation" with a violent street gang simply because of a few small neighborhood marijuana sales which happened to take place near the gang's alleged operations center. See transcript at 14:22-15:11, 23:7-24:4.

Far from being a "key participant in the narcotics trade of a violent street gang," as the government alleges in its submission, the transcript of the July 27<sup>th</sup> hearing makes clear that the government's characterizations of Mr. Ruggs as a "serious danger to the community" have no evidentiary basis and are not accurate. Even Judge Cott noted regarding the government's submission, "They are painting with a broad brush. Half the letter is about the gang. It's not about Mr. Ruggs. That's not lost on me." See transcript at 17:4-17:6.

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To date, the government has presented no evidence to suggest that Mr. Ruggs has any connection to the Big Money Bosses (“BMB”) or any other gangs. In fact, during the hearing, the government acknowledged that Mr. Ruggs was not a member of the BMB or any other gang. See transcript at 23:13-23:14. The government instead vaguely theorizes, without offering any proof, that in order to have sold marijuana at the so-called “B Road” location, Mr. Ruggs must have been somehow affiliated with BMB. Even Judge Cott appeared to struggle to follow the government’s reasoning as demonstrated by the following exchange:

The Court: What is there before me that makes me concerned that he is loyal to the organization? Do I know that? You’re telling me well, because he’s dealing drugs on the street and he’d only be able to because the gang controls the street, he must be loyal to them. There’s a lot of sort of a certiorari type analysis you’re requiring me to do which I’m not saying I can’t or won’t but it’s more of a connect the dots kind of argument than a here’s the evidence, here’s the evidence, here’s the evidence. Isn’t it?

Mr. Scotten: With respect to the threat that he would perform a violent act yes, Your Honor

Despite charging Mr. Ruggs with discharging a firearm, the government has presented no evidence to suggest that Mr. Ruggs had a gun, used a gun, touched a gun or even had knowledge of a gun. During the July 27<sup>th</sup> hearing, the government stated it considers Mr. Ruggs “an accessory,” with respect to the gun charges based on what appears to be another vague “connect the dots” argument. See transcript at 21:14-21:16. The government claims to have witness testimony to connect Mr. Ruggs to firearms but admitted, “We are not going to tell the Court there’s a witness who’s going to come forward and say Calvin Ruggs was firing a gun on X occasion. If I can sort of draw the link there, Your Honor, I will...this is the train that gets there which is extensive.” See transcript at 21:16-21:22.

#### The Government Overstates Mr. Ruggs’ “Violent” Criminal Record

Judge Cott’s decision ultimately came down to Mr. Ruggs’ criminal record, which the government has overstated. See transcript at 47:21-47:22.<sup>1</sup> While Mr. Ruggs does not come to this Court with a pristine record, his criminal background and his marijuana sales in this case do not rise to a level that would even suggest that he poses a danger to the community.

While co-defendants on the same indictment have been accused of murder, attempted murder and dealing in dangerous drugs such as cocaine or heroin, Mr. Ruggs is accused of

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<sup>1</sup> Judge Cott states, “If this were a case where Mr. Ruggs didn’t have a prior record I think it would be an easy case. I think I would set conditions.”

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selling small quantities of marijuana on seven separate occasions. While narcotics crimes trigger a presumption of detention under the bail statute, here, Mr. Ruggs's marijuana sales are miniscule compared to the breadth of this massive indictment. While the government relies on Mr. Ruggs' robbery charge at the age of sixteen to brand him as violent, the robbery involved the taking of a cell phone by a group of friends, including Mr. Ruggs, for which he received youthful offender treatment and a sentence of five-years' probation. While on probation, Mr. Ruggs completed the CASES program<sup>2</sup>.

Mr. Ruggs' Does Not Pose a Danger to the Community

Mr. Ruggs is twenty-one years old and has lived with his parents and his siblings in the same Bronx neighborhood for his entire life. Mr. Ruggs comes from a stable family, with deep roots in the community, as demonstrated by the three suretors who have come forward to sign bonds on Mr. Ruggs's behalf. Mr. Ruggs's father, Calvin Ruggs Sr., has been employed as a UPS driver for over twenty years and earns approximately \$50,000 annually. Kim Kelly, Mr. Ruggs's uncle, is a longtime employee of the MTA and also earns approximately \$50,000 annually. The third suretor, Anthony Crawford, is an elderly neighbor of the Ruggs family who has known Mr. Ruggs since he was a baby. Mr. Crawford is a handyman who has worked for 150 Central Park West Corporation for more than eighteen years. Mr. Ruggs's mother, Deborah, has also been extremely supportive, attending every court appearance and offering to have the family home outfitted with a landline and any other equipment such as electronic monitoring which would be necessary should Mr. Ruggs be released on bail. We are confident that Mr. Ruggs would not do anything either to jeopardize the financial well-being of his family or disappoint their faith in him to do the right thing.

If released on bail, Mr. Ruggs would have a job waiting for him at Burger King. Mr. Ruggs applied for the job shortly before he was arrested and Burger King is aware of the charges Mr. Ruggs is facing. As documented in the attached letter, Burger King has indicated that the job offer remains open whenever Mr. Ruggs is available to start.

Mr. Ruggs Is Not A Flight Risk

As set forth above, Mr. Ruggs comes from a stable grounded home. Accordingly, with respect to the issue of flight risk, we agree with Judge Cott's determination that he is "would not rely on a flight risk here to detain Mr. Ruggs." See transcript at 47:12.

We thank the Court for its consideration of this matter.

Respectfully submitted,

/s/

Dawn M. Cardi

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<sup>2</sup> In its presentation of the reasons for opposing Mr. Ruggs's bail application, the government also noted an April 2014 domestic violence incident. Notably that charge was dismissed because the accuser never showed up in court.

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Encl.

cc: Hagan Scotten, Esq.  
Assistant United States Attorney